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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/488,019	01/20/2000	Yuji Kumakura	1614.1024	3839

21171	7590	08/27/2004	

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER
KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
2122	

DATE MAILED: 08/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
	09/488,019	KUMAKURA, YUJI
Office Action Summary	Examiner	Art Unit
	Chuck Kendall	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 June 2004_.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)　•

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

PTOL-326 (Rev. 1-04)　　　　　　　　　Office Action Summary　　　　　　　Part of Paper No./Mail Date 08182004

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1 - 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Stupek Jr, et al USPN 5,586,304 (hereinafter Stupek), in view of Kullick et al. USPN

5,764,992 (hereinafter Kullick).

Regarding claims 1,10 & 19, Stupek discloses, control information retrieving part

retrieving control information that is used to execute a program, wherein said control

information comprises:

current address information indicating a current address where the program is

stored in a storage device [Stupek, 5:34, also see 13:59 – 64, see location of first

version for current address information], and

definition information including at least one destination address information

related to the program and including at least one definition name uniquely assigned to

the destination address information (13:59 – 64, see version an location of first version,

also see 10: 40 – 45, for identifying the location of second version, note first and second

versions are stored in different locations and is equivalent to Applicants current and

destination address limitation);

a destination defining part defining destination address information that is

indicated by a user and a location different from a current address where the program is

stored ; [Stupek, 5:40-42], .

a control information changing part changing the control information based on the destination address information [Stupek 5:48-51]. Stupek doesn't expressly a deleting part deleting all of the information stored at the current location including the program, and a moving part comprising a copying part retrieving the current address information corresponding to said definition name uniquely assigned to the user-indicated destination address information and copying all information, which is stored at the current address. Stupek does mention storing and replacing the first version with the second version, (11:10 –15). Kullick discloses in a similar configuration deleting the old version of a program from memory during software replacement and copying a newer version to its current location (4: 33 – 35, and 63 – 65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Stupek and Kullick because, deleting and copying or replacing programs during software updating or installation are equivalent functions and are generally performed during program upgrading/updating/patching to save memory.

Regarding claims 2,11, & 20, the information processor as claimed in claim 1, wherein said changing comprises a replacing part replacing the current address information with the destination address information to which the program is moved [Stupek 1: 55-67].

Regarding claims 3, 12, & 21, the information processor as claimed in claim 1, wherein said control information is generated when said program is installed into a storage device [Stupek 2:1-15 see CD-ROM].

Regarding claims 4,13,& 22, the information processor as claimed in claim 1, wherein said control information is referred to when said program is executed [Stupek, 4:30-43].

Regarding claims 5, 14 & 23, the information processor as claimed in claim 1, wherein said control information is stored in a file referred to by other programs, and the file includes a plurality of control information to execute the other programs [Stupek, 6:10-30]

Regarding claims 6,15, & 24, the information processor as claimed in claim 1, wherein said control information changing part comprises a changing part changing said control information based on said definition information. [Stupek 2:5-40].

Regarding claims 7,16, & 25, the information processor as claimed in claim 1,

wherein said control information changing part comprises [Stupek 5: 50-54];

a changing part changing the current address information included in said control information based on the destination address information included in said definition information [Stupek 2:1-10].

Regarding claims 8,17, & 26, the information processor as claimed in claim 1, wherein said control information comprises:

program information to execute the program [Stupek 4:30-43];

and data information related to data created or edited by executing said program, and wherein said moving part comprises: [Stupek 2:5-10]

a program moving part moving the program [Stupek 2:5-10 see upgrade information, also refer to storage for older versions 5:53-58]

and [Stupek, 2:5-10]; a data moving part moving the data when the program is moved by said program moving part [6:10-30, see Fig 1].

Regarding claims 9,18 & 27, the information processor as claimed in claim 1, further comprising an installing part installing said program [Stupek 2:10 –15].

Response to Arguments

3. Applicant's arguments filed 06/25/2004 have been fully considered but they are not persuasive.

Argument (1), Applicant argues on page 5 of Applicant's response dated June 5th 2004, regarding claims 1,10 & 19, that neither Stupek nor Kullick disclose or suggest **"moving the program according to the destination address information indicated**

by the user," in which the moving comprises " **retrieving the current address**

information corresponding to said definition name uniquely assigned to the user-

indicated destination address information included in said control information in

accordance with said definition information and copying all information, which is

stored at the current address and comprises the program, additional installed

functions information, and optional settings information".

Response (1), Examiner believes that Stupek and Kullick does infact teach these

limitations. As set forth above in claim 1, Kullick does disclose this functionality, see

column 4, lines 33 – 35, and lines 63 – 65 as cited previously, which shows a copying

part using a current location or address.

Correspondence Information

4. Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Chuck Kendall whose telephone number is 703-

3086608. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tuan Dam can be reached on 703-3054552. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

CK.

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ANTONY NGUYEN-BA
PRIMARY EXAMINER